

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

2004 JUN 23 P 4:11

U.S. DISTRICT COURT  
DISTRICT OF MASS.

SHAW'S SUPERMARKETS, Inc.

Plaintiff

v.

C.A. No. 04-CV-11219 DPW

UNITED FOOD AND COMMERCIAL  
WORKERS UNION, LOCAL 791,  
AFL-CIO

Defendant

**MOTION FOR AN AWARD OF ATTORNEYS FEES**

Defendant United Food and Commercial Workers Union, Local 791, AFL-CIO moves for an award of attorneys fees in this matter in the amount of \$ 7,162.50.

As Local 791 demonstrated in its opposition to Shaw's motion for a temporary restraining order, this action and motion for injunctive relief was brought without substantial justification. The Court of Appeals for the First Circuit and other courts of appeal that have addressed the issue have ruled that the Norris LaGuardia Act deprives federal courts of jurisdiction to issue injunctions against arbitration proceedings. Shaw's did not address those rulings in its motion and memorandum and offered no reason for the Court to conclude that it had jurisdiction to entertain Shaw's request for relief. And the one case Shaw's offered in support of its claim that courts have enjoined arbitration proceedings, Hawaii Nurses' Assoc. Collective Bargaining Org. v. Kapiolant Health Care System, 890 F. Supp. 925 (D. Hawaii 1995), involved a court's decision to stay its own proceedings in an action to compel arbitration and not a decision to stay a pending arbitration proceeding.

In support of this motion Local 791 submits the affidavits of Warren H. Pyle and Alfred Gordon.

Respectfully submitted,

LOCAL 791, UNITED FOOD AND  
COMMERCIAL WORKERS UNION

By its attorneys,

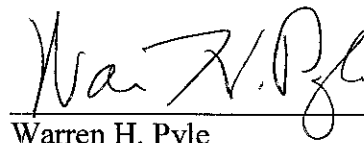


Warren H. Pyle, BBO #408400  
Pyle, Rome, Lichten & Ehrenberg  
18 Tremont Street, Suite 500  
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(617) 367-7200

Dated: June 23, 2004

#### **CERTIFICATE OF COMPLIANCE**

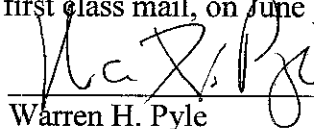
I hereby certify that I have complied with the requirements of Local Rule 7.1(A)(2), and attempted to confer with counsel for Plaintiff in good faith to resolve or narrow the issue.



Warren H. Pyle

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon David A. Strock, Esq., Moon, Moss, McGill & Shapiro, P.A., Ten Free Street, P.O. Box 7250, Portland, ME 04112-7250, by facsimile and first class mail, on June 21, 2004.



Warren H. Pyle